

FISCAL NOTE

HB 1925 - SB 1884

March 13, 2001

SUMMARY OF BILL:

- Prohibits the possession or consumption of the contents of an open alcoholic beverage container by the driver or a passenger in the passenger area of a motor vehicle on a public highway or right-of-way in the state. Current law prohibits possession or consumption by the driver only.
- Specifies that possession of an open alcoholic beverage in a locked glove compartment or behind the seat or in another area not occupied by the driver or a passenger in a vehicle that does not have a trunk is not prohibited.
- Provides that a person who is strictly a passenger in a motor vehicle that transports persons for hire or in the living quarters of a house coach or trailer is not prohibited from possessing or consuming the contents of an open alcoholic beverage container.
- Specifies that a law enforcement officer shall not take a violator into custody unless they refuse to sign and accept the citation.
- Specifies that violation of these provisions is a Class C misdemeanor punishable only by a fine of \$50 and that no court costs or litigation taxes shall be assessed or levied. All proceeds from the fine shall be deposited in the Alcohol and Drug Addiction Treatment Fund.
- Specifies that local governments would be authorized to enact by ordinance or resolution similar open container prohibitions.

ESTIMATED FISCAL IMPACT:

**Increase State Revenues - \$65,000/Alcohol and Drug Addiction
Treatment Fund**

Decrease State Revenues - \$26,000/General Fund

Increase Local Govt. Revenues - Net Impact - Less than \$100,000/Permissive

Other Fiscal Impact - In the absence of the bill, \$11,400,000 in federal funds for FY01-02 and subsequent years currently used for the Surface Transportation Program, Interstate Maintenance, or the National Highway System could be restricted for use through required transfer to Section 402 safety programs.

Estimate assumes:

- open container violations will double under the provisions of the bill from 650 to 1,300.
- the state will experience an increase in revenues from all \$50 open container fines going to the Alcohol and Drug Addiction Treatment Fund.
- a decrease in revenues to the General Fund from fines collected under current law instead of being deposited to the Alcohol and Drug Addiction Treatment Fund. The average fine is \$40 for a total of \$26,000.

HB 1925 - SB 1884

- under current law, open container fines are paid to the Department of Safety in accordance with T.C.A. 55-10-303.
- court clerks will receive 5% commission on these fines.
- local governments will experience a decrease in revenues from open container offenders no longer paying court costs.
- to the extent local governments choose to enact ordinances or resolutions with similar open container provisions, they will experience an increase in revenues from fines collected.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director